

REMARKS

Claims 1-3, 121-122 and 127 stand rejected under 35 U.S.C. 102(b) as being anticipated by Walth et al. Applicants respectfully traverse this rejection on the following grounds.

The Examiner is correct that this reference also deals with a hydrokinetic torque converter with a converter bypass clutch; however, the passage that is cited by the Examiner, namely, column 1, lines 51-67, only discusses the need for cooling (i.e., the problem of overheating) and in the section entitled "Objects of the Invention", there is described the need for an improved friction element.

The Examiner then discusses how the cited reference includes "channels" and "flow restricting portions" (citing col. 3, lines 63-67 and col. 4, lines 1-5). Applicants respectfully submit that the channels alone are not the inventive concept as this element is found in prior art references. However, the independent claims recites another key feature that Applicants respectfully submit is not found in any of the references cited by the Examiner. More specifically, claim 1 recites that there is a means for regulating the fluid flow (between the first and second plenum chambers) in dependency upon the magnitude of torque being transmitted by the clutch. As explained throughout the specification, the "dependency" of the oil flow on the torque is an important feature or aspect of the present invention and while, the Examiner contends that the channels of the Walth et al. reference were already acting in dependency of the torque being transmitted by the clutch, Applicants respectfully disagree with such a

conclusion as the prior art reference does not state or suggest such feature. In the present application, Applicants have discussed and highlighted the “dependency” of the oil flow on the torque. The Examiner attempts to read the channel 24 as being the means for regulating the flow; however, Applicants believe that such reading is overly broad as there is specific disclosure about the dependency of the oil flow on the torque and more specifically, providing a torque converter that includes means for regulating the fluid flow in dependency upon the magnitude of torque being transmitted by the clutch.

For at least the foregoing reasons, Applicants respectfully submit that one or more claimed features are not disclosed in the cited reference and therefore, the rejection should be withdrawn on this ground.

At the very least, Applicants respectfully request the Examiner to further substantiate and elaborate on how the cited reference discloses the claimed means for regulating the fluid flow (between the first and second plenum chambers) in dependency upon the magnitude of torque being transmitted by the clutch.

Claims 2-3 should be allowed as depending from what should be an allowed independent claim 1.

The method of claim 121 recites the step of regulating the flow of fluid along the at least one path in dependency upon the extent of slip between said driving and driven components. Similar to claim 1, Applicants respectfully traverse this rejection since the above mentioned feature is not disclosed in the cited reference.

Applicants respectfully submit that the cited reference is absent as to regulating the flow of fluid along at least one path in dependency upon the extent of slip between the driving and driven components. While the Examiner mentions channel 124,


the Examiner has not shown where in the cited reference, a method is disclosed that includes the above claimed step. Applicants respectfully request reconsideration and withdrawal of the rejection of claim 121 and at the very least, the Examiner should further substantiate and set forth in greater detail where the cited reference discloses the above claimed step.

Claims 122 and 127 should be allowed as depending from what should be an allowed independent claim 121.

Allowance of claims 1-2, 121, 122 and 127 is earnestly solicited at this time.

It is believed that the present Amendment is fully responsive to the outstanding Office Action. If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,



EDWARD J. ELLIS

Reg. No. 40,389

Attorney for Applicants

DARBY & DARBY, P.C.
805 Third Avenue
New York, N.Y. 10022
Phone (212) 527-7700